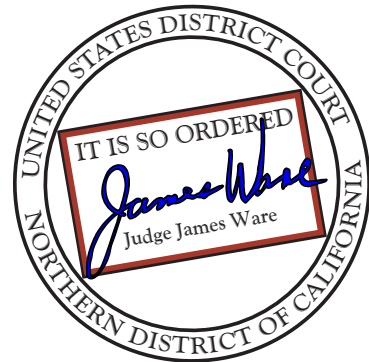


IRELL & MANELLA LLP  
Morgan Chu – mchu@irell.com (70446)  
Samuel K. Lu – slu@irell.com (171969)  
Alan J. Heinrich – aheinrich@irell.com (212782)  
Richard E. Lyon – rlyon@irell.com (229288)  
Jonathan P. Steinsapir – jsteinsapir@irell.com (226281)  
1800 Avenue of the Stars, Suite 900  
Los Angeles, California 90067-4276  
Telephone: (310) 277-1010  
Facsimile: (310) 203-7199

Attorneys for Plaintiff and  
Counterclaim-Defendant  
AGILENT TECHNOLOGIES, INC., and  
for Proposed Plaintiffs and Counterclaim-  
Defendants AVAGO TECHNOLOGIES  
GENERAL IP PTE LTD. and AVAGO  
TECHNOLOGIES ECBU IP PTE LTD.

AKIN GUMP STRAUSS HAUER & FELD, LLP  
Yitai Hu – yhu@akingump.com (CA Admission Pending)  
Elizabeth H. Rader – erader@akingump.com (184963)  
1950 University Avenue, Suite 505  
E. Palo Alto, CA 94303  
Telephone: (415) 765-9500  
Facsimile: (415) 765-9501

Attorneys for Defendants  
ELAN MICROELECTRONICS CORP. and  
ELAN INFORMATION TECHNOLOGY GROUP



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

AGILENT TECHNOLOGIES, INC.,  
a Delaware corporation,

Plaintiff,

v.

ELAN MICROELECTRONICS CORP.,  
a Taiwanese corporation, and ELAN  
INFORMATION TECHNOLOGY GROUP,  
a California corporation,

Defendants.

) Case No. 5:04-cv-05385-JW  
)  
) **STIPULATION AND ~~[PROPOSED]~~**  
) **ORDER SUBSTITUTING AVAGO**  
) **TECHNOLOGIES GENERAL IP PTE**  
) **LTD. AND AVAGO TECHNOLOGIES**  
) **ECBU IP PTE LTD. AS PARTIES IN**  
) **PLACE OF AGILENT TECHNOLOGIES,**  
) **INC., PURSUANT TO FEDERAL RULE**  
) **OF CIVIL PROCEDURE 25(c)**

AND RELATED COUNTERCLAIMS

1 This action involves *inter alia* claims for patent infringement and counterclaims for  
2 invalidity and noninfringement of the following patents: U.S. Patent No. 6,433,780, entitled  
3 "Seeing Eye Mouse For A Computer System;" and U.S. Patent No. 5,786,804, entitled "Method  
4 and System for Tracking Attitude." At the time this action was filed, these patents were assigned  
5 to Agilent Technologies, Inc. ("Agilent").

6 Agilent's entire right, title and interest in the patents-in-suit has been transferred and  
7 assigned to Avago Technologies General IP PTE Ltd. and Avago Technologies ECBU IP PTE  
8 Ltd., both companies being organized and incorporated under the laws of Singapore. Accordingly,  
9 Agilent no longer has any interest in this litigation.

10 Therefore, the parties to this action, through their respective attorneys of record, stipulate  
11 and agree as follows:

12 (1) Agilent Technologies, Inc., is no longer a party to this action, except for the purposes  
13 of continued discovery as further described below, as its entire right title, and interest in the  
14 patents-in-suit has been transferred and assigned to Avago Technologies General IP PTE Ltd. and  
15 Avago Technologies ECBU IP PTE Ltd.

16 (2) Agilent Technologies, Inc., will be treated as a party to this action only to the extent it  
17 needs to fulfill any current and future discovery obligations, including but not limited to, (a)  
18 responding to and supplementing its responses to interrogatories and document requests already  
19 served on it, (b) responding to any additional document requests and interrogatories served by  
20 Defendants in this case, and (c) producing witnesses who are current employees of Agilent or  
21 whom Agilent has control over, both for depositions and at trial.

22 (3) Subject to the conditions of paragraph (2) above, Avago Technologies General IP PTE  
23 Ltd. and Avago Technologies ECBU IP PTE Ltd. are jointly substituted as parties to this action in  
24 place of Agilent Technologies, Inc., pursuant to Federal Rule of Civil Procedure 25(c).

25 (3) Avago Technologies General IP PTE Ltd. and Avago Technologies ECBU IP PTE  
26 Ltd., hereby acknowledge actual notice of this action and subject themselves to the jurisdiction of  
27 this Court in this action.

1 (4) In order to avoid administrative confusion, this action should be re-captioned as  
2 follows: "Avago Technologies General IP PTE Ltd. and Avago Technologies ECBU IP PTE Ltd.,  
3 Plaintiff/Counterclaim Defendant v. Elan Microelectronics Corp., and Elan Information  
4 Technology Group, Defendants/Counterclaim Plaintiffs."

5  
6 Dated: February 16, 2006

IRELL & MANELLA LLP

7  
8  
9 By: /s/ Richard E. Lyon

Richard E. Lyon

Attorneys for and Plaintiff

Counterclaim-Defendant

AGILENT TECHNOLOGIES, INC. and for

Proposed Plaintiffs and Counterclaim-

Defendants AVAGO TECHNOLOGIES

GENERAL IP PTE LTD. and

AVAGO TECHNOLOGIES ECBU IP

PTE LTD.

10  
11  
12  
13  
14  
15  
16 Dated: February 16, 2006

AKIN GUMP STRAUSS HAUER & FELD, LLP

17  
18  
19 By: /s/ Gary C. Ma

Gary C. Ma

Attorneys for and Defendant

Counterclaim-Plaintiff

ELAN MICROELECTRONICS CORP. and

ELAN INFORMATION TECHNOLOGY

GROUP

20  
21  
22  
23  
24 I hereby attest, pursuant to section X of General Order 45, that concurrence in the filing of  
25 this document has been obtained from Gary Ma, Esq., Attorney for Defendants and Counterclaim-  
26 Plaintiffs Elan Microelectronics Corp., and Elan Information Technology Group.

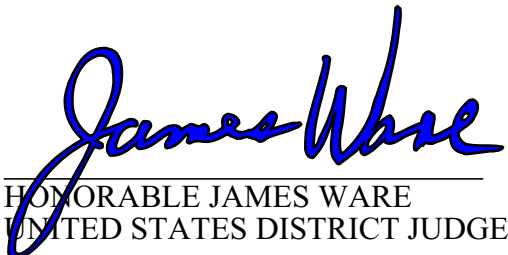
27 Dated: February 16, 2005

By: /s/ Richard E. Lyon

1           **PURSUANT TO STIPULATION, IT IS HEREBY ORDERED** that: (1) Agilent  
 2 Technologies, Inc., is no longer a party to this action, as all right, title, and interests in the patents-  
 3 in-suit have been transferred and assigned to Avago Technologies General IP PTE Ltd. and Avago  
 4 Technologies ECBU IP PTE Ltd.; (2) Avago Technologies General IP PTE Ltd. and Avago  
 5 Technologies ECBU IP PTE Ltd. are jointly substituted as parties to this action in place of Agilent  
 6 Technologies, Inc., pursuant to Federal Rule of Civil Procedure 25(c); and (3) the clerk shall re-  
 7 caption this action as follows: "Avago Technologies General IP PTE Ltd. and Avago  
 8 Technologies ECBU IP PTE Ltd., Plaintiff/Counterclaim Defendant v. Elan Microelectronics  
 9 Corp., and Elan Information Technology Group, Defendants/Counterclaim Plaintiffs." This Court  
 10 will maintain jurisdiction over Agilent and Agilent will be treated as if it were a party to this  
 11 action only for purposes of discovery, including but not limited to (a) responding to and  
 12 supplementing its responses to interrogatories and document requests already served on it, (b)  
 13 responding to any additional document requests and interrogatories served by Defendants in this  
 14 case, and (c) producing witnesses who are current employees of Agilent or whom Agilent has  
 15 control over, both for depositions and for trial, until the conclusion of this action.

16  
 17           **IT IS SO ORDERED.**

18  
 19 Dated: May        10,        2006

  
 HONORABLE JAMES WARE  
 UNITED STATES DISTRICT JUDGE